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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,368	03/30/2004	William Thomas Hatfield	140283-1/YOD GERD:0105	4692

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EXAMINER
GOINS, DAVETTA WOODS

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/813,368	HATFIELD ET AL.	
	Examiner	Art Unit	
	Davetta W. Goins	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12-22 and 24-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-22 and 24-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-10, 12-22 and 24-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lange et al. (US Pat. 5,182,432) in view of Jessup (US Pat. 6,794,882 B2) in view of Nesbitt (US Pat. 6,150,927).

In reference to claim 1, 4, 8-10, 12, 17-22, 24, 26-29, 33, 34, Lange discloses a) the claimed lamp assembly comprising a housing and a lamp disposed in the housing, a lens disposed adjacent to the lamp, which is met by a motor vehicle headlight having an enclosing light transmissive shield B (lens) (col. 1, lines 62-68), b) the claimed lens comprising a conductor adapted to loose electrical continuity upon occurrence of a crack in the lens, which is met by at least one electrically conductive heating element H arranged "in or on" the light-transmissive shield B (lens) (col. 1, lines 62-68; Figure 1), and c) the claimed monitoring system coupled to the conductor and configured to detect the loss of electrical continuity in the conductor, which is met by analyzing apparatus A for monitoring the heating element H to determine whether it's broken (col. 2, lines 27-35; col. 3, lines 3-26). Although Lange does not disclose the claimed system for transmitting a signal to a remote location, representative of a state of continuity of the

conductor, he does disclose a monitoring system including an analyzing apparatus A for determining whether a crack, or a break of the light-transmissive shield B has taken place within a motor vehicle headlight (col. 3, lines 3-48). Jessup discloses a system that detects breakage of a vehicle's window by a rupture detector 10. Upon detecting that a rupture has taken place, an alarm mechanism 32 initiates an alarm (col. 5, lines 10-55); col. 6, lines 44-58). Nesbitt discloses a system in which a tear, scratch or break in glass or other types of material can be determined by sensing the conductors within the material. Upon detection of a signal change characteristic of a tear or a cut being made in the glass or seat of a vehicle, the computer 50 initiates operation of the local and remote reporter devices (col. 3, lines 34-50; col. 4, lines 13-40; col. 5, lines 36-52). Since Lange discloses a system that detects a break in the lens of a vehicle's headlamp, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of notifying the driver of the rupture, as disclosed by Jessup, as well as transmitting the signal to a remote location, as disclosed by Nesbitt, to ensure that the interested persons are notified of the ruptured or broken lens and can replace the lens.

In reference to claims 2, 3, 13, 14, 30, 31, although Lange does not specifically disclose the claimed lens comprising glass or polymeric material, he does disclose a headlight including a light-transmissive shield B (lens) that includes an attached conductive element for monitoring a crack within the shield B (col. 1, lines 63-68). Since it is well known in the art to use either glass of some form of plastic material such as polymeric for manufacturing vehicle lamps, it would have been obvious to one of ordinary skill in the art at the time of the invention to use either

glass or polymeric as a material for the lens or any material that deems proper for allowing light to transmit through the vehicle light housing.

In reference to claims 5, 15, 25, 32, Lange discloses the claimed conductive wire, which is met by at least one electrically conductive heating element H (col. 1, lines 63-68).

In reference to claims 6, 16, Lange does not disclose the claimed conductor comprising a decal configured to be disposed on a surface of the lens. Jessup discloses a rupture detector used for a windshield of a vehicle. Specifically, a windshield assembly 12 includes at least one transparent member 14 forming a strip or band of conductive material around the major surface of a vehicle window and may be adhered to the window by an attachment mechanism 64 via a clamping action, adhesive or other method of fixation (col. 3, lines 56-67; col. 7, lines 31-42). Since both Lange and Jessup discloses systems that detect a fracture or crack within a lens/glass by use of a torn or broken conductor, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of an attachment means, as disclosed by Jessup, with the system of Lange, that comprises a decal disposed on the surface of the lens to form a retrofitted device that can be applied at anytime to any location after manufacture of the lens.

In reference to claim 7, Lange discloses the claimed conductor is embedded in the lens, which is met by electrically conductive heating element H arranged "in" or on the light-transmissive shield B (col. 1, lines 62-68).

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

APPLICANT'S ARGUMENTS

The Applicant argues the primary reference Lange does not disclose the claimed detecting of a crack that will cause detecting system to transmit an alarm signal to a remote location. Specifically stated, "Because the vehicle driver is apparently alerted of any breakage, there is absolutely no need in Lange for communicating the breakage to a remote location." Same statement is made with regard to the Jessup reference. Further stated, "while Nesbitt teaches an anti-vandalism detector such as methods and systems for detecting breakage and defacing of materials such as glass and plastic, there is no suggestion in Nesbitt to relate to detection of a crack in a lens. That is, Nesbitt does not consider breakage of a headlamp as warranting remote communication as it does not constitute intrusion or vandalism."

EXAMINER'S RESPONSE

The claimed system by the Applicant is that of a system that will detect a crack within a lens of a light by use of detecting a break in a conductor that's placed within the lens. This is taught by Lange, as stated in the above office action. Both Jessup and Nesbitt are used as secondary references to teach that it is known in the art to detect a break or crack within a lens/glass that's associated with a vehicle (as of Lange) and initiate an alarm. Further, Nesbitt discloses that this detected vandalism can be transmitted to a remote location to alert individuals.

In just about every alarm system related to vehicles, home alarms, etc., it is commonly known to not only initiate an alarm locally, but to transmit an alarm signal to a remote location, regardless of who the remote alarm signal is for. For example, the driver that may be nearby is alerted to vandalism or attempt theft as well as a signal being sent remotely to the police. One can't anticipate that Lange would "only" want the driver to be warned of the crack lens and "not" send a signal to a remote location, as stated by the Applicant.

The fact that Lange includes switching on Apparatus E, to notify the driver of the vehicle of a cracked lens, enforces the need to want to alert any persons of interest of the cracked lens. The references shouldn't be looked at individually, but as a whole (since they're combined).

For these reasons, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings by Jessup and Nesbitt to not only provide a local alarm, but also transmit an alarm signal to a remote location.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Davetta W. Goins
Primary Examiner
Art Unit 2612

D.W.G.
September 18, 2006